

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

Terves LLC, )  
Plaintiff, ) Case No. 1:19-cv-1611-DCN  
v. )  
Yueyang Aerospace New Materials Co. Ltd. )  
et al. )  
Defendants. )  
)  
)  
)

**Joint Stipulation and [Proposed] Order re Voluntary Withdrawal of Certain Patent Claims**

In accordance with the Federal Circuit authority cited in *Realtime Data LLC v. Echostar Corp.*,<sup>1</sup> plaintiff Terves LLC and defendants Ecometal Inc. and Nick Yuan (collectively, “Ecometal”) hereby stipulate to the voluntarily withdrawal without prejudice of Terves’ infringement claims and Ecometal’s anticipation and obvious defenses and counterclaims as to the following patent claims, referred to by Terves in prior briefing as the “challenged claims”:

- (i) Claims 1, 4, 5, 7, 12, 13, 25, 29, 33, 37, 41, 43, 45, 49, 55, 69-70, 74 of the ’653 patent; and
- (ii) Claims 2, 19, and 94 of the ’740 patent.

This stipulation and order does not alter or affect in any way the Court’s April 12, 2022 Summary Judgment Order (ECF #178), and instead merely removes from trial the patent claims for which the Court found that there remain genuine issues of material fact on Ecometal’s defenses of anticipation/obviousness, which are hereby preserved. Ecometal reserves the right to appeal the adverse rulings on these challenged claims in the Summary Judgment Order, and those rulings

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<sup>1</sup> No. 6:17-cv-00084-JDL, 2018 WL 6267332 (E.D. Tex. Nov. 29, 2018).

shall not become final and appealable (and the time to appeal those rulings shall not begin) until final judgment is entered as to all claims and defenses under Fed. Civ. R. 58.

Dated: April 18, 2022

s/ Matthew J. Cavanagh  
David B. Cupar (OH 0071622)  
Matthew J. Cavanagh (OH 0079522)  
Andrew D. Gordon-Seifert (OH0092499)  
MCDONALD HOPKINS LLC  
600 Superior Avenue, East, Ste. 2100  
Cleveland, Ohio 44114  
t 216.348.5400 | f 216.348.5474  
dcupar@mcdonaldhopkins.com  
mcavanagh@mcdonaldhopkins.com  
agordon-seifert@mcdonaldhopkins.com

*Counsel for Terves LLC*

/s/ John Q. Lewis  
John Q. Lewis (OH 0067235)  
Rachel N. Byrnes (OH 0097736)  
NELSON MULLINS RILEY & SCARBOROUGH  
LLP  
1111 Superior Avenue, Suite 530  
Cleveland, OH 44114  
Phone: 216-304-6153  
John.Lewis@nelsonmullins.com  
Rachel.Byrnes@nelsonmullins.com

Edward L. White (admitted *pro hac vice*)  
LAW OFFICE OF EDWARD L. WHITE  
829 East 33rd Street  
Edmond, OK 73013  
Phone: 405-810-8188  
ed@edwhitelaw.com

Martin S. High (admitted *pro hac vice*)  
LAW OFFICE OF MARTIN S. HIGH  
PO Box 33190  
Clemson, SC 29633-3190  
Phone: 864-300-2444  
marty@martyhigh.com

*Counsel for Defendants Ecometal Inc. and  
Nick Yuan*

IT IS SO ORDERED.

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United States District Judge Donald C. Nugent